

 **Lampert & O'Connor, P.C.**

1750 K Street NW
Suite 600
Washington, DC 20006

Donna N. Lampert
lampert@l-olaw.com

Tel 202/887-6230
Fax 202/887-6231

November 2, 2004

EX PARTE

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Room TW-A325
Washington, DC 20554

Re: Ex Parte: *IP-Enabled Services*, WC Docket No. 04-36; *Vonage Petition for Declaratory Ruling*, WC Docket No. 03-211

Dear Ms. Dortch:

Today the undersigned had a telephone conversation with Jessica Rosenworcel, Legal Advisor to Commissioner Copps, to discuss issues relating to the above-captioned proceedings.

In particular, we discussed jurisdictional issues and repeated the views reflected in Time Warner's comments and in its *ex parte* letter dated October 29, 2004 — that the Commission should preempt inappropriate non-federal regulation, and that it can achieve that outcome in multiple legally supportable ways. We further argued that, whichever avenue the Commission selects, it should treat facilities-based and non-facilities-based VoIP providers in the same manner.

Pursuant to Section 1.1206(b) of the Commission's rules, copies of this notice are being filed electronically in the above-captioned proceedings for inclusion in the public record. Should you have any questions, please do not hesitate to contact me.

Sincerely,

/s/

Donna N. Lampert
Counsel for Time Warner Inc.

cc: Jessica Rosenworcel